

**UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF MASSACHUSETTS**

PAULA F. SOTO,
Plaintiff,

v.

C.A. No. 13-10822-JGD

CITY OF CAMBRIDGE,
Defendant.

**DEFENDANT CITY OF CAMBRIDGE’S MOTION TO JOIN THE COMMONWEALTH
AS A REQUIRED PARTY DEFENDANT PURSUANT TO FED. R. CIV. P. RULE 19(a).**

Pursuant to Rule 19 of the Federal Rules of Civil Procedure, the Defendant City of Cambridge (the “City”) respectfully moves this honorable Court order that the Commonwealth of Massachusetts (the “Commonwealth”) be joined as a required party Defendant to this action.

As set forth in the Memorandum of Law and the Declaration of Samuel A. Aylesworth filed in support, the City’s Motion should be granted because the Plaintiff Paula F. Soto (“Soto”) has challenged the constitutionality of M.G.L. c. 266, § 126 (the “Statute”) and City of Cambridge Ordinance Chapter 9.04 (the “Ordinance”) as applied to her conduct in posting fliers on privately owned motor vehicles which is prohibited under the Statute. The Ordinance was amended in May 2015 to only apply to the posting of commercial fliers on private property. The City agrees that Soto’s fliers do not constitute commercial speech and therefore Soto’s conduct falls squarely within the Statute, and not within the Ordinance as amended. Soto has filed an action which calls into question the constitutionality of a Massachusetts statute and therefore the Commonwealth is a required party to this action. For these reasons, and those set forth more

fully in the City's Memorandum of Law and supporting materials, the Commonwealth should be joined as required party Defendant to this action.

REQUEST FOR ORAL ARGUMENT

The City believes that oral argument may assist the Court in deciding the issues presented by this Motion. Accordingly, the City respectfully requests a hearing pursuant to Local Rule 7.1(d).

LOCAL RULE 7.1(2) CERTIFICATION

Counsel for the Defendant City of Cambridge (the "City") hereby certifies that he conferred with the attorney for the Plaintiff Paula F. Soto and attempted in good-faith to resolve or narrow the issues presented by the City's Motion.

Defendant,
CITY OF CAMBRIDGE
By its Attorney,

/s/ Samuel A. Aylesworth
Samuel A. Aylesworth (BBO #645057)
Asst. City Solicitor
Law Department – City Hall
795 Massachusetts Avenue
Cambridge, MA 02139
(617) 349-4121
saylesworth@cambridgema.gov

DATED: May 29, 2015

CERTIFICATE OF SERVICE

I hereby certify that a true copy of this document was filed through the Electronic Case Filing (ECF) system and thus copies will be sent electronically to the registered participants as identified on the Notice of Electronic Filing (NEF); paper copies will be mailed to those indicated on the NEF as non-registered participants on or before May 29, 2015.

/s/ Samuel A. Aylesworth